

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Michael P. DeNinno et al.  
**Serial No:** 10/099,620  
**Filed:** March 15, 2002  
**For:** COMPOUNDS FOR THE  
TREATMENT OF ISCHEMIA

**Examiner:** Lawrence Crane  
**Art Unit:** 1623  
**Docket:** 17423 (PC11066A)  
**Dated:** February 8, 2005

**RECEIVED**  
**CENTRAL FAX CENTER**  
**FEB 08 2005**

**Confirmation No.:** 2274

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL AMENDMENT**

Sir:

Applicants respectfully submit a Supplemental Amendment to the above-identified application.

A listing of the claims pending in the above-identified application commences on Page 2 of this Response. This listing replaces all previous amendment to the claims.

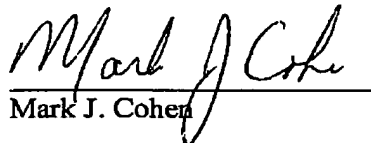
The Remarks begin on Page 34 of this Response.

---

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

**Dated:** February 8, 2005

  
Mark J. Cohen

H:\work\974\17423\Amend\17423.am3.doc

**BEST AVAILABLE COPY**

400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
email: intrprop@ssmp.com

## SCULLY, SCOTT, MURPHY & PRESSER

RECEIVED  
CENTRAL FAX CENTER

FEB 08 2005

# Fax

**To:** Lawrence Crane  
United States Patent & Trademark Office  
Art Unit: 1623  
Confirmation No.: 2274

**From:** Mark J. Cohen, Esq.

**Fax:** 1-703-872-9306

**Pages:** 38 (including fax cover sheet)

**Phone:**

**Date:** February 8, 2005

**Re:** Michael P. DeNinno, et al.  
U.S. Patent Application No. 10/099,620  
Our Docket: 17423 (PC11066A)

**CC:**

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

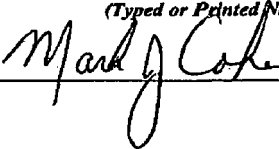
Attached for submission to the U.S. Patent and Trademark Office are the following:

- Certificate of Transmission by Facsimile
- Amendment Transmittal Letter (in duplicate)
- Supplemental Amendment

**CONFIDENTIALITY:** The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

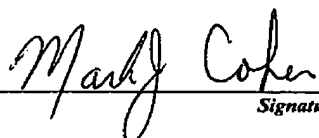
If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Nancy Gilmore.

# BEST AVAILABLE COPY

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			<b>Docket No.</b>	
Applicant(s): <b>Michael P. DeNinno et al.</b>			<b>17423 (PC11066A)</b>	
<b>Application No.</b> <b>10/099,620</b>	<b>Filing Date</b> <b>March 15, 2002</b>	<b>Examiner</b> <b>Lawrence Crane</b>	<b>Group Art Unit</b> <b>1623</b>	
<b>Invention: COMPOUNDS FOR THE TREATMENT OF ISCHEMIA</b>			<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>FEB 08 2005</b>	
<p>I hereby certify that this <u>Supplemental Amendment</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>1-703-872-9306</u>) on <u>February 8, 2005</u> (Date)</p> <p style="text-align: right;"><u>Mark J. Cohen</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;"><b>Note: Each paper must have its own certificate of mailing.</b></p>				

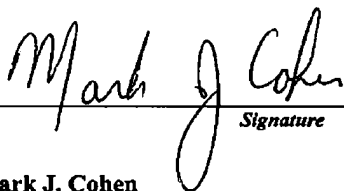
P18/REV02

BEST AVAILABLE COPY

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					<b>Docket No.</b> <b>17423 (PC11066A)</b>							
<b>Applicant(s): Michael P. DeNinno et al.</b>												
<b>Application No.</b> 10/099,620	<b>Filing Date</b> March 15, 2002	<b>Examiner</b> Lawrence Crane	<b>Customer No.</b> 23389	<b>Group Art Unit</b> 1623	<b>Confirmation No.</b> 2274							
<b>Invention: COMPOUNDS FOR THE TREATMENT OF ISCHEMIA</b>												
<b><u>COMMISSIONER FOR PATENTS:</u></b>												
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.												
<b>CLAIMS AS AMENDED</b>												
	<b>CLAIMS REMAINING AFTER AMENDMENT</b>	<b>HIGHEST # PREV. PAID FOR</b>	<b>NUMBER EXTRA CLAIMS PRESENT</b>	<b>RATE</b>	<b>ADDITIONAL FEE</b>							
<b>TOTAL CLAIMS</b>	31 -	53 =	0	x \$50.00	\$0.00							
<b>INDEP. CLAIMS</b>	5 -	8 =	0	x \$200.00	\$0.00							
<b>Multiple Dependent Claims (check if applicable)</b> <input type="checkbox"/>					\$0.00							
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					\$0.00							
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>19-1013/SSMP</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>												
 _____ Signature			<b>Dated: February 8, 2005</b>									
<b>Mark J. Cohen</b> <b>Registration No.: 32,211</b> <b>SCULLY, SCOTT, MURPHY &amp; PRESSER</b> <b>400 Garden City Plaza-Site. 300</b> <b>Garden City, NY 11530</b> <b>(516) 742-4343</b>			<table border="1" style="width:100%"><tr><td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>February 8, 2005</b> (Date)</td></tr><tr><td colspan="2">_____ Signature of Person Mailing Correspondence</td></tr><tr><td colspan="2"><b>Mark J. Cohen</b> Typed or Printed Name of Person Mailing Correspondence</td></tr></table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>February 8, 2005</b> (Date)		_____ Signature of Person Mailing Correspondence		<b>Mark J. Cohen</b> Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>February 8, 2005</b> (Date)												
_____ Signature of Person Mailing Correspondence												
<b>Mark J. Cohen</b> Typed or Printed Name of Person Mailing Correspondence												
<b>cc:</b>												

P11LARGE/REV09

BEST AVAILABLE COPY

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>17423 (PC11066A)</b>							
Applicant(s): <b>Michael P. DeNinno et al.</b>												
Application No. <b>10/099,620</b>	Filing Date <b>March 15, 2002</b>	Examiner <b>Lawrence Crane</b>	Customer No. <b>23389</b>	Group Art Unit <b>1623</b>	Confirmation No. <b>2274</b>							
Invention: <b>COMPOUNDS FOR THE TREATMENT OF ISCHEMIA</b>												
<u>COMMISSIONER FOR PATENTS:</u>												
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.												
<b>CLAIMS AS AMENDED</b>												
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE							
TOTAL CLAIMS	31 -	53 =	0	x \$50.00	\$0.00							
INDEP. CLAIMS	5 -	8 =	0	x \$200.00	\$0.00							
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00							
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>							
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>19-1013/SSMP</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.												
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>												
 _____ Signature			Dated: <b>February 8, 2005</b>									
<b>Mark J. Cohen</b> <b>Registration No.: 32,211</b> <b>SCULLY, SCOTT, MURPHY &amp; PRESSER</b> <b>400 Garden City Plaza-St. 300</b> <b>Garden City, NY 11530</b> <b>(516) 742-4343</b>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">           I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on  <b>February 8, 2005</b>            (Date)         </td> </tr> <tr> <td colspan="2" style="text-align: center;">           Signature of Person Mailing Correspondence  <b>Mark J. Cohen</b> </td> </tr> <tr> <td colspan="2" style="text-align: center;">           Typed or Printed Name of Person Mailing Correspondence         </td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>February 8, 2005</b> (Date)		Signature of Person Mailing Correspondence <b>Mark J. Cohen</b>		Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>February 8, 2005</b> (Date)												
Signature of Person Mailing Correspondence <b>Mark J. Cohen</b>												
Typed or Printed Name of Person Mailing Correspondence												
CC:												

P11LARGE/REV09

BEST AVAILABLE COPY